



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

October 25, 2012

John M. Scagnelli, Partner
Chair, Environmental and Land Use Law Group
Scarinci Hollenback, LLC
1100 Valley Brook Avenue
P.O. Box 790
Lyndhurst, New Jersey 07071-0790

Dear Mr. Scagnelli:

Thank you for your letter dated October 9, 2012 on behalf of the Township of Lyndhurst. We appreciate receiving your comments on the Work Plan and Basis of Design Report for the Passaic River, River Mile 10.9 time-critical removal action. We also appreciate your sending the design and cost information related to the installation of backflow preventers.

We note that you sent a copy of the October 9, 2012 letter to the Lower Passaic River Cooperating Parties Group (CPG). The U.S. Environmental Protection Agency (EPA) has had preliminary discussions with the CPG about the issues raised in your letter. It is our expectation that the majority of the requests made in your letter will be addressed directly by the CPG in a separate letter to your office. However, EPA would like to make a few general comments at this time.

- While EPA understands Lyndhurst's interest in having backflow preventers installed on storm drain outlets to the Passaic River, EPA has not determined whether the backflow preventers are necessary to protect the Lyndhurst storm drain system from the sediment removal operation. The RM 10.9 removal action will be designed in such a way so as to minimize any potential negative effects on the river or the surrounding upland areas. Further, after completion of the removal action, the highly elevated surface sediment concentrations currently present in Passaic River sediment will have been removed and/or capped, thereby eliminating the availability of those sediments to backflow into the Lyndhurst system.

That said, the CPG will be discussing the option of installing backflow preventers with you and we hope that Lyndhurst and the CPG can reach agreement on a resolution of this issue.

- As has already been stated, the removal action will be conducted in such a way so as to minimize/prevent any adverse impacts to Riverside Park, including increased flooding or impacts to infrastructure. More details of how the work will be conducted will be

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included in the 90 percent design document, which EPA expects to receive from the CPG in mid-November.

- The 90 percent design document will confirm that no capping materials need to be staged in the park. We understand your concern about statements in the work plan about staging material in the park, but the work plan is a statement of the general approach to be taken for the removal and has already been finalized. The design document is meant to refine the options down to those EPA and the CPG want to pursue and the CPG can address your concerns in that document.

Again, we appreciate the feedback on the Basis of Design Report and recommend that we meet again once the CPG has submitted the 90 percent design document so we can continue the dialogue and resolve any remaining issues or concerns.

We look forward to working with you to complete this project in a safe and effective manner.

Sincerely,

A handwritten signature in black ink, reading "Raymond Basso". The signature is fluid and cursive, with the first name "Raymond" and last name "Basso" clearly distinguishable.

Raymond J. Basso, Director
Lower Passaic River Project

Cc: R. Giangeruso, Mayor, Township of Lyndhurst
W. Hyatt, Esq.
W. Potter, de maximis
S. Vaughn, EPA
S. Flanagan, EPA
P. Hick, EPA